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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JOSE CHUNG LUO, Individually and on
Behalf of All Others Similarly Situated,

Plaintiffs,

v.

SPECTRUM PHARMACEUTICALS, INC.,
JOSEPH W. TURGEON, KURT A.
GUSTAFSON, and FRANCOIS LEBEL,

Defendants.

CASE NO.: 2:21-cv-01612-JAD-BNW

**STIPULATION AND [PROPOSED]
ORDER STAYING DEADLINE TO
ANSWER THE COMPLAINT**

Plaintiff Jose Chung Luo ("Plaintiff") and Defendants Spectrum Pharmaceuticals, Inc., Joseph W. Turgeon, Kurt A. Gustafson, and Francois Lebel (collectively, "Defendants," and together with Plaintiff, the "Parties"), by and through their undersigned counsel, hereby stipulate and agree as follows and jointly request that the Court enter the below Order approving this Stipulation:

WHEREAS, the Class Action Complaint for Violations of the Federal Securities Laws (the "Initial Complaint") was filed in this action on August 31, 2021; and

WHEREAS, this action is a putative private securities class action litigation subject to the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4;

1 WHEREAS, the Parties anticipate that, after the Court has designated a lead plaintiff
 2 pursuant to 15 U.S.C. § 78u-4(a)(3)(B) ("Lead Plaintiff"), the Lead Plaintiff will file an amended
 3 class action complaint;

4 WHEREAS, the Parties have simultaneously submitted a stipulation staying Defendants'
 5 time to answer the Initial Complaint;

6 WHEREAS, the parties have met and conferred, and agree that a response from
 7 Defendants to the Initial Complaint, which will in all likelihood be superseded by a consolidated
 8 or amended class complaint filed by the Lead Plaintiff, would invite waste, duplicative effort, and
 9 needless expenditure of judicial and party resources.

10 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT:

- 11 1. Lead plaintiff will file an amended complaint within sixty (60) days following
 12 appointment as lead plaintiff.
- 13 2. Defendants will answer or otherwise respond within sixty (60) days thereafter; if
 14 Defendants file a motion to dismiss, the lead plaintiff may file an opposition to the
 15 motion to dismiss forty-five (45) days thereafter; and Defendants may file a reply
 16 brief in further support within thirty (30) days of the filing of lead plaintiff's
 17 opposition

18 DATED this 1st day of March, 2022.

19 **MUEHLBAUER LAW OFFICE, LTD.**

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*Counsel for Defendant Spectrum
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5 *Counsel for Plaintiff*

Counsel for All Defendants

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15 **ORDER**

16 IT IS ORDERED that ECF No. 33 is GRANTED in part and DENIED in
part consistent with this Order.

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18 It is GRANTED to the extent that the lead Plaintiff will have **60 days** to
file an amended complaint and Defendants will have **30 days** to file an
19 answer or motion to dismiss.

20 IT IS FURTHER ORDERED that the parties' request for extended
briefing on the motion to dismiss is DENIED without prejudice. The
21 Court, again (see ECF No. 31), advises the parties that they must
22 separately file a request for extended briefing on a motion to dismiss, as
this will be decided by the District Judge.

23 IT IS SO ORDERED

24 DATED: 10:45 am, March 02, 2022

25 

26 BREND A WEKSLER
27 UNITED STATES MAGISTRATE JUDGE
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